

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAVID P. BALASKI,
Debtor.

: Case No. 16-10962-TPA
: Chapter 13
: Related to Document No. 33, 37

FILED
6/27/18 4:24 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

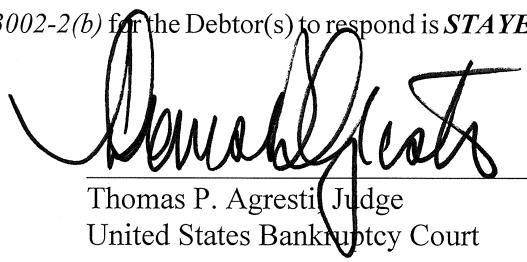
ORDER

On April 25, 2017, a *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, Official Form 410S2, was filed in this case by M&T Bank, regarding Claim No. 2 ("Notice"). The Chapter 13 Trustee filed a *Trustee's Objection to Notice of Postpetition Mortgage Fees, Expenses, and Charges* (Doc. 33) to which M&T Bank has filed a *Response* (Doc. 37). After argument this date on the proper approach to resolving the matter, the Court decided issue its standard Order involving matters such as the instant one, modified as to the times on which the Respondent must act under the particular circumstances of this case.

In order to meet the minimum standard expected of a *Notice* pursuant to *Rule 3002.1(d)*, and to protect debtors from potential overreaching or unreasonable claims for attorney fees and other expenses [*see generally, Elmer and Teresa Reitz*, Case No. 17-10696-TPA, January 3, 2018 *Order to Show Cause* (Doc. No. 40) and January 30, 2018 *Order* (Doc. No. 45.)], the Court has determined that a Party filing such a *Notice* must make every reasonable effort to include all of the following with the *Notice*:

- (a) A computation of the mortgage fees, expenses, and charges.
- (b) A complete and accurate loan payment history.
- (c) Where attorney, or other professional fees are sought, a description of the services that were provided and the fees charged for those services in a form consistent with *WPa LBR 2016-1*.
- (d) For all other expenses, a payment receipt or other similar documentation supporting the expenditure.
- (e) After exercising the appropriate due diligence in complying with the foregoing, in the event any of the foregoing cannot be produced, an identification of the reasons for non-production, along with a detailed statement explaining the efforts made in attempting to do so.
- (f) A Declaration affirming the veracity and accuracy of the foregoing.

AND NOW, this 27th day of June, 2018, in light of the above considerations, a review of the *Notice* filed in this case indicates deficiencies in one or more respects, therefore, it is hereby **ORDERED**, **ADJUDGED** and **DECREEED** that: (1) *on or before August 27, 2018*, M&T Bank shall supplement the *Notice* to comply with the above requirements or it will be **DISMISSED** without further notice or hearing; and, (2) the 21-day period provided in *W.PA.LBR 3002-2(b)* for the Debtor(s) to respond is **STAYED** but will commence to run on the filing of the supplement.



Thomas P. Agresti, Judge
United States Bankruptcy Court

c: Ronda Winnecour, Esq., Trustee
Counsel for the Debtor
Debtor
James Warmbrodt, Esq.

Certificate of Notice Page 2 of 2
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 David P Balaski
 Debtor

Case No. 16-10962-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: dkam
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Jun 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 29, 2018.

db +David P Balaski, 3669 Atlantic Lake Rd, Atlantic, PA 16111-1223

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 29, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 27, 2018 at the address(es) listed below:

Christopher M. McMonagle on behalf of Creditor M&T Bank cmcmonganle@sterneisenberg.com, bkecf@sterneisenberg.com
 James Warmbrodt on behalf of Creditor M&T Bank bkgroup@kmlawgroup.com
 John E. Nagurney on behalf of Debtor David P Balaski courtnagurney@zoominternet.net
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winneccour cmeccf@chapter13trusteewdpa.com

TOTAL: 5